

Thursday, 24 April 1947

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INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Chambers of the Tribunal  
War Ministry Building  
Tokyo, Japan

PROCEEDINGS IN CHAMBERS

On

Hearing re documents offered in evidence  
and rejected by the Tribunal.

Before:

HON. SIR WILLIAM WEBB,  
President of the Tribunal and  
Member from the Commonwealth  
of Australia.

Reported by:

Julian Wolf  
Official Court Reporter  
IMTFE

Appearances:

For the Prosecution Section:

MR. S. HORWITZ

For the Defense Section:

MR. WILLIAM LOGAN, Jr., Counsel for the  
Accused KIDO, Koichi

For the Office of the General Secretary, IMTFF

MR. C. A. MANTZ, Clerk of the Court  
JUDGE E. H. DELL, Legal Advisor

The Proceeding was begun at 0902.

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THE PRESIDENT: Mr. Logan, I understand you want to see me about the rejected evidence; that is what it amounts to.

MR. LOGAN: That is right. At the present time, Judge, when a document is rejected it is returned by the Clerk to the defense and there is no record of it, and what we are interested in is either having those documents marked with some sort of a number and the original kept in the Clerk's office and made part of the permanent record--

THE PRESIDENT: I will tell you what I am prepared to do: I am prepared to open a register of documents rejected, bearing the defense number and also a summary of the contents. Will that be satisfactory?

MR. LOGAN: That will be satisfactory. I was thinking of what Mr. Horwitz said, and he had an idea they might be given some number like R1, R2 and so forth and we could go back and number those from the beginning, those documents which have been rejected, and bring them up to date and from that point out they could automatically receive numbers.

THE PRESIDENT: And also prepare to make

them part of the record; not the documents themselves, but this register bearing the numbers. That will meet your wishes, won't it?

MR. LOGAN: Except that I think the original should be kept in the Clerk's office.

THE PRESIDENT: Yes, you could keep the original there. However, it did occur to me there ought to be a register of those documents bearing the number and summary of the contents, but that register should be part of the record.

MR. HORWITZ: It would seem to me that it could be handled very simply without taking any time in court numbering them. For instance, because we have this backlog that you want to get up to date, you open up a register known as R1. This is a summary.

Here is what they did at Nuernberg: They gave a series number -- I was thinking of one additional series, the R series. As they were rejected a list was made up. When each document came up it could be numbered and kept by the Clerk. He could number that original document with the same number as on the entry. It would seem to me that would take care of the situation.

THE PRESIDENT: Yes, but one of your points

is to have, if not the document, then a description of it made part of the record. I think we can meet you that way.

MR. LOGAN: That would be fine.

THE PRESIDENT: Is that the lot?

MR. LOGAN: Yes, that is all.

(Whereupon, at 0904, the proceeding was concluded.)

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